

**The Corporation of the City of Kawartha Lakes**  
**Planning Advisory Committee Report**

**Report Number PLAN2018-031**

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**Date:** April 11, 2018  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Regular Meeting**

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**Ward Community Identifier:** Ward 6 - Fenelon

**Subject:** An application to amend the Township of Fenelon Zoning By-law 12-95 to make textual amendments to the Rural Residential Type Three Exception Seven (RR3-7) Zone and adjust the boundaries of the Rural Residential Type Three (RR3) Zone and RR3-7 Zone categories in order to facilitate two lot line adjustments between two residential lots with different zone categories and to recognize the setbacks established by the existing dwelling, deck, and pool on 14 Jubbs Shore Road. The subject lands are described as Lot 9 and Block 10, Plan 573, geographic Township of Fenelon, City of Kawartha Lakes, identified as 14 and 24 Jubbs Shore Road (Robert and Lois Elaine Bereznicki) – Planning File D06-2018-008

**Author and Title:** David Harding, Planner II

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**Recommendation:**

**RESOLVED THAT** Report PLAN2018-031, respecting Lot 9 and Block 10, geographic Township of Fenelon, and identified as 14 and 24 Jubbs Shore Road, “Bereznicki – Application D06-2018-008”, be received;

**THAT** a Zoning By-law Amendment respecting application D06-2018-008, substantially in the form attached as Appendix “D” to Report PLAN2018-031, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

On May 12, 2017, the Director of Development Services granted provisional consent to Consent Applications D03-16-027 and D03-16-028. The applications proposed lot line adjustments between two residential lots: approximately 2,730.1 square metres of land from 14 Jubbs Shore Road would be added to 24 Jubbs Shore Road, and approximately 1,447.5 square metres of land from 24 Jubbs Shore Road would be added to 14 Jubbs Shore Road.

Conditions of provisional consent were imposed to recognize the existing development that had occurred on 14 Jubbs Shore Road and the new lot configurations.

During the March 7, 2018 Planning Advisory Committee meeting, the Committee referred the Zoning By-law Amendment application back to staff to allow for consultation with a neighbor that had raised concerns. The consultation has taken place.

Owners:	Robert and Lois Elaine Bereznicki
Legal Description:	Lot 9 and Block 10, Plan 573, geographic Township of Fenelon
Official Plan:	“Waterfront”, City of Kawartha Lakes Official Plan
Zones:	14 Jubbs Shore Road – “Rural Residential Type Three Exception Seven (RR3-7) Zone” 24 Jubbs Shore Road - “Rural Residential Type Three (RR3) Zone” Township of Fenelon Zoning By-law 12-95, as amended
Site Size:	14 Jubbs Shore Road, after consolidation – 0.81 hectares 24 Jubbs Shore Road, after consolidation – 0.85 hectares
Site Servicing:	14 Jubbs Shore Road – private individual well and septic system 24 Jubbs Shore Road – private individual well (unused)
Existing Uses:	Shoreline Residential
Adjacent Uses:	North: Shoreline Residential/Commercial South: Shoreline Residential East: Shoreline Residential West: Residential/Commercial

## **Rationale:**

The subject property is located within a shoreline residential neighbourhood on the southwest corner of Cameron Lake. The lot line adjustments will provide 14 Jubbs Shore Road ownership over lands abutting the Canal that have historically

been used as part of its yard, and for the woodlot which is currently bisected by a mutual lot line to be wholly owned by 24 Jubbs Shore Road.

### **Provincial Policies:**

#### **Growth Plan for the Greater Golden Horseshoe, 2017:**

Section 2.2.9 states that development outside of settlement areas may be permitted upon rural lands for resource-based recreational uses.

Two lot line adjustments are proposed between two residential lots that abut a canal. The canal leads to a recreational resource: Cameron Lake.

Therefore, this application conforms to the policies of the Growth Plan.

#### **Provincial Policy Statement, 2014 (PPS):**

The 2014 Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Development on “Rural Lands” is intended to compliment and be compatible with the rural landscape and rural service levels. Limited residential development (including recreational dwellings) and resource-based recreational uses are permitted. The application will facilitate two lot line adjustments between two shoreline residential lots. As the lots have the ability to utilize the recreational resource of Cameron Lake via a private canal system, and no new lots are being created that would cause an increase in rural service levels, this proposal is consistent with the intent of development for recreational uses on rural lands within the PPS.

Therefore, this application is consistent with the PPS.

### **Official Plan Conformity:**

The subject lands are designated “Waterfront” within the City of Kawartha Lakes Official Plan (Official Plan). This designation anticipates low density shoreline residential development.

The Zoning By-law Amendment application proposes no change to the existing land uses, no new lots are being created, and no alterations are proposed to the zoning by-law to permit development closer to the shoreline than is currently required.

Therefore, this application conforms to the applicable policies of the Official Plan.

### **Zoning By-law Compliance:**

14 Jubbs Shore Road is zoned “Rural Residential Type Three Exception Seven (RR3-7) Zone” and 24 Jubbs Shore Road “Rural Residential Type Three (RR3) Zone” within the Township of Fenelon Zoning By-law 12-95 as amended.

The RR3-7 Zone currently requires a minimum lot area of 9,000 square metres, and a minimum lot frontage of 70 metres. Historically, it was common practice for shoreline property that had undergone a severance to be rezoned to reflect the proposed lot frontage and area so that future shoreline residential severances would not occur. As this lot is the sole property where the RR3-7 Zone exists, it is likely that approach was taken when it was rezoned for residential use in the early 1980s. However, the zoning by-law amendment overstated the lot area causing a conformity issue which has existed for approximately 30 years. As the boundaries of the lot are being further adjusted, which impacts both lot area and frontage, it is necessary to revise the RR3-7 Zone requirements. As the requirements are being revised, the owners and City staff are taking this opportunity to recognize the setbacks to the existing development on the lot.

The secondary purpose of the Zoning By-law Amendment is to change the zone category on each portion of land to be severed so that it matches the zone category of the benefitting lot.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application would align with the exceptional quality of life goal as the zoning by-law amendment will facilitate two lot line adjustments between two existing properties to recognize the lands that one lot has historically used and to consolidate ownership of a woodlot on the other lot.

### **Servicing Comments:**

14 Jubbs Shore Road is serviced by a private individual well and septic system. 24 Jubbs Shore Road used to contain a dwelling, demolished in 2006. The private individual well and a decommissioned septic system remain on this lot.

## **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, and Engineering and Corporate Assets Department raised no concerns as a result of circulation.

Comment was received from a neighbor to the south, David Lewis of 5054 Highway 35. His comment raised concerns over the potential for trespass onto his lot given the proximity of the existing deck to the mutual lot line, and that a portion of his property was being maintained by 14 Jubbs Shore Road as additional yard amenity space.

## **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix “D” will ensure the continued function of both shoreline residential properties, recognize the existing development that has taken place, and has placed mechanisms to ensure an improved spatial separation to the rear lot line should work be done on the existing deck. All other RR3 Zone provisions will be maintained.

Amendments have been made to the decision of Consent Application D03-16-028 to require modifications to the existing deck. The modifications will permit uninterrupted pedestrian movement between the rear and eastern interior side yards, and remove a deck access that led directly to the mutual lot line. Provisions have been added to the draft zoning by-law amendment to (1) permit the existing deck structures to remain (2) authorize the needed modifications to the decks in accordance with the amended conditions of Consent Application D03-16-028, and require any further modifications to the deck to comply with a greater rear yard setback.

## **Conclusion:**

The application conforms to the provincial policies concerning rural lands. The application also conforms to the “Waterfront” designation policies in the City’s Official Plan. Staff support the application based on the information contained in this report and the comments received as of March 23, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## **Attachments:**

Appendix ‘A’ – Location Map



Appendix A to  
PLAN2018-031.pdf

## Appendix 'B' – Aerial Photograph



Appendix B to  
PLAN2018-031.pdf

## Appendix 'C' – Sketch for Consent Application – dated October 2, 2017



Appendix C to  
PLAN2018-031.pdf

## Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to  
PLAN2018-031.pdf

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**Department Head E-Mail:** [cmarshall@kawarthlakes.ca](mailto:cmarshall@kawarthlakes.ca)

**Department Head:** Chris Marshall

**Department File:** D06-2018-008